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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 3296 of 2007

PETITIONER : Sher Ali son of late Saiyad Sukur Ali aged 61 years retired constable resident of police line ward no. 18 House no. 18/738 police line Bilaspur Tahsil District Bilaspur C.G.

VERSUS

RESPONDENTS :
1. State of Chhattisgarh through Collector Bilaspur.
2. Chief Executive Engineer Public Works Department Bilaspur.
3. Superintendent of Police, Bilaspur.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Mr. J.S.Baraik, Advocate for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for the State/respondents.

ORDER
(Passed on 15th day of June, 2007)

1. The petitioner was working as constable and retired from service on 31.12.2006 on attaining the age of superannuation. The petitioner is continuing in the official accommodation unauthorizedly. The respondent authorities issued a notice on 09.04.2007 to vacate the premises within a period of 15 days as the government proposes to construct 100 new quarters on the said place after demolition of the existing quarters.

2. Shri Baraik, learned counsel appearing for the petitioner seeks protection of this Court that the petitioner be permitted to continue in the house for further period of three to four months. Once the petitioner has retired from the services w.e.f 31.12.2006, the petitioner has no right to continue in the official accommodation without permission of the competent authority, and that too, on payment of penal rent. The petitioner has

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already continued unauthorisedly for about five months. No writ can be issued to perpetuate illegality committed by the petitioner by retaining the official accommodation unauthorizedly. There is no merit in this case.

3. Thus, for the reasons stated above, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit